



**MINUTES OF THE CITY COUNCIL WORK SESSION**  
**Held Monday October 16, 2000**  
**For the purpose of discussing playground upgrades**

The meeting began at 8:00 p.m. It was held in the Council Room of the Municipal Building.

**STAFF PRESENT WERE:** Michael P. McLaughlin, City Manager; Hank Irving, Director of Recreation; Kenny Hall, Director of Public Works; Bill Phelan, Acting Superintendent of Operations; Joe Doss, Public Works Crewman V; Jim Donovan, Police Corporal and David E. Moran, Assistant to the City Manager

**ALSO PRESENT WERE:** Larry Hill, Lola Skolnik, Kelly Ivy, Dorothy Lauber, Bill & Diane Wilkerson, Sheldon Goldberg, Eldon Ralph, Michael Glass, Cathy McAndrew, Terri Rutledge and Amy Boyes, The Gazette

Mayor Davis began with introductions.

Mr. Hill, Landscape Architect Supervisor with the Maryland National Capital Park and Planning Commission (MNCPPC), described the problems his department had encountered in trying to keep playgrounds maintained and up to standards. He noted that data from playground injuries indicated that 70% are head injuries usually from a fall. Mr. Hill stated that dirt, grass and asphalt are no longer acceptable surfaces for playgrounds.

Mr. Hill also stressed that litigation had gone against jurisdictions that didn't have a plan in place to address the worst problems. He cited a legal case that had opined playground equipment must be replaced every 10 years. Mr. Hill also noted that playgrounds needed to have different equipment for users age 5 and younger and users age 5 and older.

Mayor Davis asked about how people reacted to the changes in playgrounds. Mr. Hill noted that MNCPPC learned to work with the communities in advance. She also asked about equipment height and concerns from neighbors about privacy. Mr. Hill indicated that these can be addressed by landscaping.

Mr. Roberts asked about the ten year lifespan of playground equipment. Mr. Hill responded that this was one judge's opinion in a particular legal case, but might be an indication of expectations. Mr. Roberts stated that he didn't believe that equipment automatically became obsolete at ten years and that equipment needed to be designed properly at the beginning.

Mayor Davis asked about trends. Mr. Hill responded that climbing walls and steeper slides with landing areas were current trends. He noted that much of the newer equipment was so safe it was boring for the kids. Mr. Hill also referenced ADA requirements especially with regard to surfaces that allowed wheelchair access.

Mr. Phelan asked if the rate of change for safety standards was slowing down. Mr. Hill commented that it seemed so. Mr. Phelan asked if MNCPPC performed in-house modifications. Mr. Hill responded that they first contact the vendor to see if the vendor had a part to repair the equipment or get the vendor to sign off on an in-house repair.

Mr. Putens referenced a legal case regarding a new piece of equipment. Mr. Hill was unaware of this case.

Mr. Wilkerson asked about which materials MNCPPC has used and which were the most successful. Mr. Hill responded that the rubber surfaces had worked out the best.

Ms. Skolnik asked if surfacing was required. Mr. Hill responded that a certain depth of surface is recommended based on the height of the equipment

Mr. Irving asked about removal of Category 1 (most hazardous equipment). Mr. Hill responded that the Commission removes that equipment immediately.

Mr. Irving stressed that the City had developed a plan to remove the most dangerous equipment and that even though it was to remove a piece of equipment kids liked, it was necessary to protect children. He emphasized that the City's main concern was safety and not just liability.

Mr. Phelan reported on the most dangerous pieces of equipment in City playgrounds. He stressed that the guidelines making this equipment unsafe was based on actual statistical accidents or even deaths in other communities.

Mr. Roberts asked why this equipment hadn't been removed. Mr. Phelan responded that there was direction not to remove equipment. Mr. McLaughlin reported that when Council last considered the issue, staff had not yet clearly defined the issue. He indicated he had received direction from Council at a regular meeting not to remove equipment.

Mr. Turnbull stressed that now that the equipment was identified as a safety problem, the City needed to act immediately. He stressed the City could make good by replacing the equipment as soon as possible. He also noted that the City shouldn't be driven by litigation.

Mr. Putens agreed that the City should not to be driven by litigation, but wanted unsafe equipment removed.

Mayor Davis stressed that residents needed to be notified about why the equipment was being removed.

Mr. McLaughlin stressed that the City was not being driven by litigation, but was motivated because this equipment was unsafe. He stressed that this meeting and previous work sessions were part of the overall process to address this issue.

Ms. Rutledge expressed concern about the removal of the equipment. She favored keeping the equipment. Ms. Lauber noted concerns about equipment being removed and not replaced.

Mr. Wilkerson agreed that unsafe equipment should be removed. He stated that he didn't want the City to replace equipment until there was an overall plan for all the playgrounds.

Mr. Phelan explained the cost comparison of the different playground surfaces and described each surface. He also noted some of the maintenance issues involved with each surface.

Mr. Turnbull asked about maintenance of poured in place. Mr. Phelan and Mr. Hall stated with proper training City staff could maintain the surface itself.

There was discussion about ADA requirements. Staff noted that while new ADA guidelines for playgrounds hadn't yet been released, it was likely to require an accessible surface at all playgrounds.

Mr. McLaughlin suggested that staff begin designing a plan to work on surfacing, recognizing that not all 11 could be accomplished. He also noted staff would look at equipment replacement for the 12 worst pieces.

Mr. Turnbull and Mr. Putens expressed support for the ideas outlined by Ms. Scott-Childress in a letter to Council. There was discussion of these ideas including the creation of super playgrounds, ADA compliant playgrounds and conversion of local playgrounds to tot lots.

Ms. Rutledge expressed opposition to turning all playgrounds into tot lots.

Mayor Davis asked about the next step in the process. Mr. McLaughlin responded that staff would proceed to remove category 1 equipment, making sure to notify residents and would also prepare a specific plan that prioritized replacement of category 1 equipment and surfacing of certain playgrounds and return to Council with this plan.

#### Informational Item

Mayor Davis reported that she received a notice about an open forum being held by the Prince George's Delegation.

The meeting ended at 10:45 p.m.

Respectfully Submitted,

David E. Moran

Assistant to the City Manager